

SENATE BILL NO. 157

INTRODUCED BY J. O'NEIL

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A BILL FOR AN ACT ENTITLED: "AN ACT ACCORDING ALL FAITH-BASED HEALING EQUAL STATUS WITH RESPECT TO BEING EXEMPT FROM MEDICAL LICENSING REQUIREMENTS; AND AMENDING SECTION 37-3-103, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 37-3-103, MCA, is amended to read:

"37-3-103. Exemptions from licensing requirements. (1) This chapter does not prohibit or require a license with respect to any of the following acts:

- (a) the gratuitous rendering of services in cases of emergency or catastrophe;
- (b) the rendering of services in this state by a physician lawfully practicing medicine in another state or territory. However, if the physician does not limit the services to an occasional case or if the physician has any established or regularly used hospital connections in this state or maintains or is provided with, for the physician's regular use, an office or other place for rendering the services, the physician must possess a license to practice medicine in this state.
- (c) the practice of dentistry under the conditions and limitations defined by the laws of this state;
- (d) the practice of podiatry under the conditions and limitations defined by the laws of this state;
- (e) the practice of optometry under the conditions and limitations defined by the laws of this state;
- (f) the practice of osteopathy under the conditions and limitations defined in chapter 5 of this title for those doctors of osteopathy who do not receive a physician's certificate under this chapter;
- (g) the practice of chiropractic under the conditions and limitations defined by the laws of this state;
- (h) the practice of Christian Science; and other faith-based healing, with or without compensation, and ritual circumcisions by rabbis;
- (i) the performance by commissioned medical officers of the United States public health service or of the United States department of veterans affairs of their lawful duties in this state as officers;
- (j) the rendering of nursing services by registered or other nurses in the lawful discharge of their duties as nurses or of midwife services by registered nurse-midwives under the supervision of a licensed physician;

1 (k) the rendering of services by interns or resident physicians in a hospital or clinic in which they are
2 training, subject to the conditions and limitations of this chapter. The board may require a resident physician to
3 be licensed if the physician otherwise engages in the practice of medicine in the state of Montana.

4 (l) the rendering of services by a physical therapist, technician, or other paramedical specialist under
5 the appropriate amount and type of supervision of a person licensed under the laws of this state to practice
6 medicine, but this exemption does not extend the scope of a paramedical specialist;

7 (m) the rendering of services by a physician assistant-certified in accordance with Title 37, chapter 20;

8 (n) the practice by persons licensed under the laws of this state to practice a limited field of the healing
9 arts, and not specifically designated, under the conditions and limitations defined by law;

10 (o) the execution of a death sentence pursuant to 46-19-103;

11 (p) the practice of direct-entry midwifery. For the purpose of this section, the practice of direct-entry
12 midwifery means the advising, attending, or assisting of a woman during pregnancy, labor, natural childbirth,
13 or the postpartum period. Except as authorized in 37-27-302, a direct-entry midwife may not dispense or
14 administer a prescription drug, as those terms are defined in 37-7-101.

15 (q) the use of an automated external defibrillator pursuant to Title 50, chapter 6, part 5.

16 (2) Licensees referred to in subsection (1) who are licensed to practice a limited field of healing arts
17 shall confine themselves to the field for which they are licensed or registered and to the scope of their respective
18 licenses and, with the exception of those licensees who hold a medical degree, may not use the title "M.D." or
19 any word or abbreviation to indicate or to induce others to believe that they are engaged in the diagnosis or
20 treatment of persons afflicted with disease, injury, or defect of body or mind except to the extent and under the
21 conditions expressly provided by the law under which they are licensed."

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